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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13
14 vs.
15 NEHEMIAH AVILA, CEASAR MARTINEZ,
and RICARDO MARMOLEJO,
16 Defendants.

17 Case No.: 2:21-cr-020 TLN

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19 STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

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21 Date: June 9, 2022
Time: 9:30 a.m.
Court: Hon. Troy L. Nunley

22 Plaintiff United States of America by and through Assistant United States Attorney
23 Adrian Kinsella, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Attorney
24 Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of
25 Defendant Ricardo Marmolejo, stipulate as follows:

26 1. This matter is presently set for status conference on June 9, 2022. By this

27 stipulation, Defendants Avila, Martinez, and Marmolejo move to continue the status
28 ORDER CONTINUING STATUS
CONFERENCE

1 conference to September 15, 2022. The government does not oppose the request.

2 2. This case involves a conspiracy to distribute controlled substances. Investigation of
3 the matter included the use of court-authorized wiretaps. The government has
4 provided defense counsel with a significant volume of discovery materials, including
5 hundreds of audio files of intercepted calls, written reports, and wiretap authorization
6 requests.

7 3. Defendants Avila and Martinez are in pre-trial detention at the Sacramento County
8 Main Jail. Defense counsel for both Mr. Avila and Mr. Martinez are conducting
9 client meetings at the jail for the purpose of reviewing discovery and undertaking
10 defense investigation. The global pandemic continues to make scheduling these
11 meetings more difficult than before the virus outbreak.

12 4. Given the need for defense preparation and follow-up investigation, Defendants
13 Avila, Martinez, and Marmolejo request to continue the status conference in this
14 matter to September 15, 2022, at 9:30 a.m., and to exclude time between June 9, 2022
15 and September 15, 2022, inclusive, under Local Code T-4.

16 5. All defense counsel represent and believe that failure to grant additional time as
17 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable
18 time necessary for effective preparation, considering the exercise of due diligence.

19 6. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request
20 that the Court find that the ends of justice served by continuing the case as requested
21 outweigh the best interest of the public and the Defendants in a trial within the time
22 prescribed by the Speedy Trial Act.

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27 ORDER CONTINUING STATUS
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1 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
2 *seq.*, within which trial must commence, the time period of June 9, 2022 to September
3 15, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and
4 (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court
5 at Defendants' request on the basis that the ends of justice served by taking such
6 action outweigh the best interest of the public and the Defendants in a speedy trial.
7
8 8. Nothing in this stipulation and order shall preclude a finding that other provisions of
9 the Speedy Trial Act dictate that additional time periods are excludable from the
10 period within which a trial must commence.

12 Assistant U.S. Attorney Adrian Kinsella, Attorney Michael Long on behalf of Defendant
13 Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo Marmolejo have
14 reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on
15 behalf of their respective clients.

16 DATED: June 3, 2022

PHILLIP A. TALBERT
United States Attorney

18 By */s/ Todd D. Leras for*
19 ADRIAN T. KINSELLA
20 Assistant United States Attorney

21 DATED: June 3, 2022

22 By */s/ Todd D. Leras*
23 TODD D. LERAS
24 Attorney for Defendant
25 NEHEMIAH AVILA

26 DATED: June 3, 2022

27 By */s/ Todd D. Leras for*
28 MICHAEL D. LONG,
 Attorney for Defendant
 CEASAR MARTINEZ

ORDER CONTINUING STATUS
CONFERENCE

1 DATED: June 3, 2022

2 By /s/ Todd D. Leras for
3 DINA SANTOS
4 Attorney for Defendant
5 RICARDO MARMOLEJO

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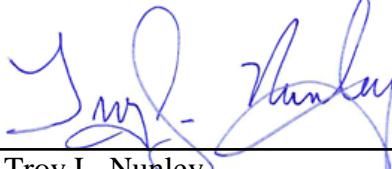
7 **ORDER**

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9 BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is
10 hereby ordered that the status conference in this matter, scheduled for June 9, 2022, is vacated.
11 A new status conference is scheduled for September 15, 2022, at 9:30 a.m. The Court further
12 finds, based on the representations of the parties and the request of all defense counsel, that the
13 ends of justice served by granting the continuance outweigh the best interests of the public and
14 the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. §
15 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into
16 consideration the exercise of due diligence for the period from June 9, 2022, up to and including
17 September 15, 2022.

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19 IT IS SO ORDERED.

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21 DATED: June 6, 2022



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Troy L. Nunley
United States District Judge

ORDER CONTINUING STATUS
CONFERENCE